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Office of the United States Attorney
District of Nevada
501 Las Vegas Boulevard, Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336

1 CHRISTOPHER CHIOU
2 Acting United States Attorney
3 District of Nevada
4 Nevada Bar No. 14853
5 DANIEL R. SCHIESS
6 Nevada Bar No. 5483
Assistant United States Attorney
501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336
Email: dan.schiess@usdoj.gov
Attorneys for the United States

7 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiffs,
10 v.
11 ALAN CASSELL,
12 Defendant.

Case No. 2:17-cr-00316-RFB-DJB

**Government's Motion for Downward
Departure**

(Filed Under Seal)

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14 The United States files this motion for downward departure pursuant to USSG
15 § 5K1.1 recommending that defendant Cassell receive a 4-level downward departure for
16 substantial assistance.

17 This case involves bribery under the Federal Program statute, 18 U.S.C. § 666.
18 Defendant Cassell bribed Sergio Barajas, a managerial-level employee at the National
19 Community Stabilization Trust (NCST), a company that received federal grant money to help
20 non-profit organizations buy and sell abandoned homes after the 2008 financial housing
21 market crash and that helped financial institutions sell foreclosed houses.

22 Sergio Barajas worked as a regional representative for NCST and administered both
23 housing programs – that involving HUD and that involving financial institutions. In his
24 position, he could influence a company's ability to buy houses through the NCST.

1 Cassell worked for Heartland Coalition (“Heartland”), a non-profit organization that
2 bought houses through the NCST, supposedly for resell to low- and moderate-income
3 individuals and families. Cassell held a leadership position.

4 Not long after Heartland began buying houses through NCST, Barajas solicited
5 Cassell to have Heartland pay him for houses that Heartland bought and resold through
6 NCST. Cassell and his associate agreed to pay Barajas, and over time paid him \$186,025. In
7 return, Barajas used his influence to help Heartland obtain NCST’s approval to buy houses
8 in different markets and to avoid being terminated from NCST’s housing program.

9 After Cassell was interviewed by law enforcement in an unannounced visit, he offered
10 to cooperate. In March 2018, he was given that opportunity, and he proffered information
11 that helped the government advance its prosecution. He explained NCST’s housing program
12 from a buyer’s perspective, answered questions the investigation could not answer, and
13 disclosed details about Barajas’s solicitation for bribe payments. Cassell added the inside story
14 to the cold financial records. His information helped the prosecution negotiate a plea
15 agreement with Barajas.

16 Based on the foregoing, a four-level downward departure would be appropriate.

17 Respectfully submitted.

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19 CHRISTOPHER CHIOU
20 Acting United States Attorney
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22 /s/ Daniel R. Schiess
23 DANIEL R. SCHIESS
24 Assistant United States Attorney

25 *Attorneys for the United States*